

Analysis of a sample of the article by this Department showed that it consisted of capsules and tablets. Each capsule contained acetphenetidin (a derivative of acetanilid, 1 grain), acetylsalicylic acid (2.3 grains), quinine (0.17 grain), camphor, and an extract of a laxative plant drug. Each tablet contained approximately 4 grains of sodium bicarbonate and starch.

It was alleged in the libel that the article was misbranded in that the statements in the circular, "The Rinex prescription is harmless and may be taken as long as necessary or repeated at intervals, without ill effects \* \* \* leaves no bad after effects", were false and misleading since the article contained acetphenetidin and aspirin, which might have caused harm if taken in overdosage. Misbranding was alleged for the further reason that the package failed to bear on its label a statement of the quantity or proportion of an acetanilid derivative contained in the article, since the declaration of acetphenetidin on the carton was inconspicuous and on neither the carton nor the bottle label was any statement made to the effect that acetphenetidin is a derivative of acetanilid. Misbranding was alleged for the further reason that the labels contained false and fraudulent claims as to the effectiveness of the article in the treatment of hay fever, asthma, catarrh, rose fever, and rose colds.

On March 28, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22589. Misbranding of Dr. Jayne's Bro-da Tonic Pills. U. S. v. 29 Packages of Dr. Jayne's Bro-da Tonic Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31253. Sample no. 58577-A.)**

Examination of the drug preparation involved in this case showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. Analysis also showed that the composition of the product did not agree with the formula set out in the circular.

On October 20, 1933, the United States attorney for the District of Delaware, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 29 packages of Dr. Jayne's Bro-da Tonic Pills at Wilmington, Del., alleging that the article had been shipped in interstate commerce, on or about September 29, 1933, by Dr. D. Jayne & Son, Inc., from Philadelphia, Pa., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it contained (per pill): 0.045 g of iron, phosphorus compounds containing a total of 0.0074 g of phosphorus, copper, manganese, and calcium compounds.

It was alleged in the libel that the article was misbranded in that the following statement appearing in the circular accompanying the article was false and misleading:

"Formula—Each Pill Contains:

Ferr. Reduct.....	.0162 Gm.	Ext. Gentian .....	.0081 Gm.
Calc. Glycero phos.....	.0646 Gm.	Pulv. Glycyrrh. Acac. &	
Ext. Nux Vom.....	.0020 Gm.	Sucros. Q.S.....	.3050Gm."
Oleores Capsic.....	.0016 Gm.		

Misbranding was alleged for the further reason that the labeling falsely and fraudulently represented the article as enriching blood, renewing vitality, restoring appetite, and increasing weight, strength, and vitality; and as efficacious for nervous and physical exhaustion, general debility, underweight, anemia, chronic fatigue, general run-down conditions, lack of vitality, weakness, loss of appetite, lack of energy and endurance, dizziness and light headedness.

On April 4, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*